

Applicant: Mukaida
Serial No.: 10/032,949

REMARKS

Claims

After entry of the subject amendment, claims 21-23 remain pending in the application, with claims 21 and 23 in independent form. Claims 21-23 have been amended as described below. Claims 1-20 were previously canceled.

Claim Rejections under 35 U.S.C. § 112

Claim 21 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner asserts that it is unclear what is meant by “a start page, corresponding to a last page of at least one page to which data is written” and how the start page corresponds to a last page of one page. Accordingly, claim 21 has been amended to rectify this lack of clarity. As such, it is respectfully suggested that the rejection of claim 21 under 35 U.S.C. § 112, second paragraph, has been overcome.

Claim Rejections under 35 U.S.C. § 101

Claim 21 stands rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Specifically, the Examiner asserts that the limitations of claim 21 are drawn to various means that may be accomplished by software.

It is respectfully suggested that the various amendments to claim 21 overcome this rejection. For instance, amended claim 21 now requires “start page information write means which writes start page information into a redundant area...” Clearly, software, on its own, cannot write start page information into an area of memory. Amended claim 21 also recites

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“write means for writing data”. Again, software alone cannot write data. Writing data requires a hardware device. As such, it is respectfully suggested that the rejection of claim 21 under 35 U.S.C. § 101 has been overcome.

Claim Rejections under 35 U.S.C. § 102

Claims 21-23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hiraka (U.S. Patent No. 4,987,573). Claims 21-23 have been amended to overcome the rejections by the Examiner.

As the Examiner is aware, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131, quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, (Fed. Cir. 1987). Furthermore, the case *In re Wilson*, 424 F.2d 1382, 1385 (CCPA 1970) held that “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” It is respectfully suggested that claims 21 and 23 are not anticipated by Hiraka, as Hiraka does not disclose each and every element as set forth in these claims as amended.

As an example, amended claim 21 recites a “determining means for determining whether a first page of a page or pages corresponding to the host address ... is either one of the searched start page and a page located after the searched start page, or not.” Quite simply, Hiraka does not disclose, teach, or suggest such a limitation. In the Office Action dated January 9, 2008, the Examiner seems to imply that the “detection of an empty block based on address data” allegedly taught by Hiraka would satisfy this requirement. However, this cannot be correct. As stated by claim 21, the “start page” is a page next to the last page of a page or pages into which data is

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written. Clearly, means for determining means for determining whether a page is a start page, i.e., a page where data is written, is **not** the same as identify an empty block, i.e., where data is not written.

Claim 21 also requires a “start page information write means which writes start page information into a redundant area of the start page...” Hiraka simply does not disclose, teach, or suggest such a limitation. Hiraka clearly does not disclose “a redundant area” of a start page in which start page information is written.

The above are only a few of the many clear distinctions between amended claim 21 and the prior art cited by the Examiner, including Hiraka. Additional distinctions will become evident after a thorough review of amended claim 21.

Therefore, for the aforementioned reasons, it is respectfully suggested that the § 102 rejection of claim 21 has been overcome and that this claim is allowable. Furthermore, claim 22 is dependent on the novel and non-obvious independent claim 21, such that dependent claim 22 is also allowable.

Amended claim 23 is also allowable using the same rationale that is applied to claim 21. Therefore, it is respectfully suggest that the § 102 rejection of claim 23 has also been overcome and that this claim is also allowable.

It is respectfully submitted that the application, as amended, is now presented in condition for allowance. The fee for a three-month extension of time is included. It is believed that no other fees are due. However, the Commissioner is authorized to charge our Deposit Account No. 08-2789 for any additional fees or credit the account for any overpayment.

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Respectfully submitted,

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